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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application Of: ) BOX: MISSING PARTS  
James E. MATHEWS, *et al.* ) Group Art No. 2673  
Serial No: 09/759,202 ) Examiner: TBA  
Filed: January 16, 2001 ) Docket No. 03797.00090

For: IN-AIR GESTURES FOR ELECTROMAGNETIC COORDINATE DIGITIZERS

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION**

Assistant Commissioner of Patents and Trademarks  
Washington, D.C. 20231

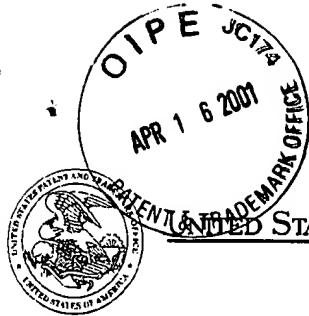
Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application under 37 C.F.R. §1.53(b), dated February 28, 2001, Applicants submit herewith a copy of the Notice to File Missing Parts of Nonprovisional Application and a copy the executed Declaration/Power of Attorney signed by Charles Patrick Thacker submitted on the filing date of January 16, 2001. Enclosed are copies of the application transmittal and PTO return postcard reflecting that the executed Declaration was originally submitted on January 16, 2001. Also enclosed are substitute drawings in compliance with 37 CFR 1.136(a). The period for responding to the Notice to File Missing Parts of Nonprovisional Application expires on April 28, 2001. We believe that no fee is associated with the filing of this response, however if a fee may be associated with the filing of this paper to our Deposit Account No. 19-0733.

Respectfully submitted,

By: David S. Lee  
David S. Lee  
Reg. No. 38,222

BANNER & WITCOFF, LTD.  
1001 G Street, N.W.  
Washington, D.C. 20001  
Dated: April 16, 2001



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/759,202	01/16/2001	James E. Mathews	03797.00090

22907  
 BANNER & WITCOFF  
 1001 G STREET N W  
 SUITE 1100  
 WASHINGTON, DC 20001

**CONFIRMATION NO. 6561**  
**FORMALITIES LETTER**



\*OC000000005810505\*

Date Mailed: 02/28/2001

**NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION****FILED UNDER 37 CFR 1.53(b)*****Filing Date Granted***

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Charles Patrick Thacker*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



# Patent/Design

## HAND CARRY Group/Section \_\_\_\_\_

Serial No. \_\_\_\_\_ B&W # 03797.00090 Atty/Sec JPC/sgs Date 1/16/01

Inventor Charles P. Thacker et al. Client MICROSOFT

Title IN-AIR GESTURES FOR ELECTROMAGNETIC COORDINATE DIGITIZERS

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

29 total pp Spec., including : # of Claims 38 (# of independent claims 2);  Abstract

Foreign Priority on \_\_\_\_\_ Country, Appl. # and Date

Priority on U.S. Prov. \_\_\_\_\_ B&W# \_\_\_\_\_

Application:  CIP  Continuation  Divisional Parent Ser. No. \_\_\_\_\_ B&W# \_\_\_\_\_

Provisional App. \_\_\_\_\_ pp Spec/Clms; Cover Sht.

Declaration/POA:  Executed  Unexecuted

Drawings:  Formal  Informal  
# of distinct sheets 4 Figs. 1-5

Assignment w/PTO Cover Sheet

Small Entity Declaration

IDS w/PTO 1449  Prior Art  w/fee

Preliminary Amendment

Response: Missing Parts dtd \_\_\_\_\_

Request for Expedited Foreign Filing License

Request for Corrected Filing Receipt

## PATENT DESIGN

Bldg \_\_\_\_\_ Rm \_\_\_\_\_

Atty/Sec JPC/sgs Date 1/16/01

Claim for Priority w/Priority Doc \_\_\_\_\_ Country, Appl. # and Date

Petition for Extension til \_\_\_\_\_

Amendment  Response: OA dtd \_\_\_\_\_

Request for Approval of Drawing Changes

CPA Request  w/Ext of Time: OA dtd \_\_\_\_\_

Notice of Appeal & Fee

Brief:  Appeal & Fee  Reply

Request for Oral Hearing

Issue Fee: Allowance dtd \_\_\_\_\_

Advance Patent Copies: # ordered \_\_\_\_\_

Check # \_\_\_\_\_ for \$ \_\_\_\_\_

Check # \_\_\_\_\_ for \$ \_\_\_\_\_

FEE TRANSMITTAL SHEET (IN DUPLICATE)

ATTACHING ONE SEPARATE STAMPED POST

CARD

\_\_\_\_\_

B&W Rev. 4/99

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for non-provisional applications under 37 C.F.R. 1.53(b))

See MPEP chapter 600 concerning utility patent application contents.

1.  **Fee Transmittal Form (e.g., PTO/SB/17)**  
(Submit an original and a duplicate for fee processing)

2.  **Applicant claims small entity status.**  
See 37 CFR 1.27.

3.  **Specification** [Total Pages 29]  
(preferred arrangement set forth below)  
- Descriptive title of the Invention  
- Cross References to Related Applications  
- Statement Regarding Fed sponsored R & D  
- Reference to sequence listing, a table, or a computer program listing appendix  
- Background of the Invention  
- Brief Summary of the Invention  
- Brief Description of the Drawings (if filed)  
- Detailed Description  
- Claim(s)  
- Abstract of the Disclosure

4.  **Drawing(s) (35 U.S.C. 113)** [Total Sheets 4]  
[Total Pages 5]

5. **Oath or Declaration**  
a.  **Newly executed (original or copy)**  
b.  **Copy from a prior application (37 CFR 1.63 (d))**  
(for a continuation/divisional with Box 18 completed)

i.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).

6.  **Application Data Sheet.** See 37 CFR 1.76

Attorney Docket No. 03797.00090

First Inventor Charles P. Thacker et al.

Title IN-AIR GESTURES FOR ELECTROMAGNETIC COORDINATE DIGITIZERS

Express Mail Label No.

Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231**APPLICATION ELEMENTS****ADDRESS TO:**

7.  **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**

8. **Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)**

- Computer Readable Form (CRF)**
- Specification Sequence Listing on:**
  - CD-ROM or CD-R (2 copies); or**
  - paper**
- Statements verifying identity of above copies**

**ACCOMPANYING APPLICATIONS PARTS**

9.  **Assignment Papers (cover sheet & document(s))**

10.  **37 C.F.R. §3.73(b) Statement**  **Power of Attorney (when there is an assignee)**

11.  **English Translation Document (if applicable)**

12.  **Information Disclosure Statement (IDS)/PTO-1449**  **Copies of IDS Citations**

13.  **Preliminary Amendment**

14.  **Return Receipt Postcard (MPEP 503)**  
(Should be specifically itemized)

15.  **Certified Copy of Priority Document(s) (if foreign priority is claimed)**

16.  **Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.**

17.  **Other: \_\_\_\_\_**

18. If a **CONTINUING APPLICATION**, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP)

of prior application No: \_\_\_\_\_ / \_\_\_\_\_

Prior application information: Examiner \_\_\_\_\_

Group / Art Unit: \_\_\_\_\_

For **CONTINUATION** or **DIVISIONAL APPS** only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

**17. CORRESPONDENCE ADDRESS**

Customer Number or Bar Code Label

(Insert Customer No. or Attach bar code label here)

or  Correspondence address below

Name	Pamela I. Banner				
Address	Banner & Witcoff, Ltd. 1001 G Street N.W., Eleventh Floor				
City	Washington	State	D.C.	Zip Code	20001-4597
Country		Telephone	(202) 508-9100	Fax	(202) 508-9299

Name (Print/Type)	Joseph P. Curtin	Registration No. (Attorney/Agent)	34,571
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Signature		Date	Jan 16, 2001
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.